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UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF MISSOURI
DIVISION

BARRY STEVEN GAHAGAN 12/1/926

Complaint for a Civil Case

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

(to be assigned by Clerk of District Court)

Plaintiff requests trial by jury:



Yes



No

v.

UNITED STATES OF AMERICA

(Write the full name of each defendant. The caption must include the names of all of the parties. Fed. R. Civ. P. 10(a). Merely listing one party and writing "et al." is insufficient. Attach additional sheets if necessary.)

CIVIL COMPLAINT

NOTICE:

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include only: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed without prepaying fees or costs.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>BARRY GAHAGAN</u>
Street Address	<u>Southeast Correctional Center 300 E. PEDRO SIMMONS DR.</u>
City and County	<u>Charleston / MISSISSIPPI County</u>
State and Zip Code	<u>MO 63834</u>
Telephone Number	<u>N/A</u>
E-mail Address	<u>N/A</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>UNITED STATES</u>
Job or Title	<u>UNITED STATES</u>
Street Address	<u>UNITED STATES</u>
City and County	<u>UNITED STATES</u>
State and Zip Code	<u>UNITED STATES</u>
Telephone Number	<u>N/A</u>
E-mail Address	<u>N/A</u>

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant. If you are suing for violation of your civil rights, you must state whether you are suing each defendant in an official capacity, individual capacity, or both.)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only three types of cases can be heard in federal court. Provide the information for this case. (Include all information that applies to your case)

A. Federal question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

U.S. Constitutional admendment 14 due process
42 U.S.C. § 1985 title 42 conspiracy to interfere
with civil rights

B. Suit against the Federal Government, a federal official, or federal agency

List the federal officials or federal agencies involved, if any. UNITED STATES

C. Diversity of Citizenship

These are cases in which a citizen of one State sues a citizen of another State or nation, and the amount at stake is more than \$75,000. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

1. The Plaintiff(s)

The plaintiff, (name) NIA, is a citizen of the
State of (name) NIA.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

If the defendant is an individual

The defendant, (name) NIA, is a citizen
of the State of (name) NIA Or is a citizen
of (foreign nation) NIA.

If the defendant is a corporation

The defendant, (name) NIA
is incorporated under the laws of the State of (name)
NIA, and has its principal place of
business in the State of (name) NIA Or
is incorporated under the laws of the State of (foreign nation)
NIA, and has its principal place
of business in (name) NIA.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy----the amount the plaintiff(s) claims the defendant(s) owes or the amount at stake----is more than \$75,000, not counting interest and costs of court, because (explain) \$13,400,000.00

Which is \$100,000.00 per month I have to do before
Parole eligibility minus credited Jail time & to cover
lost wages

Vacate my Prison sentence

expunge not just this charge but all charges on criminal record

A 19D NCS. Army enlistment with airborne Jump
School in my contract

fix the error

III. Statement of Claim

Type, or neatly print, a short and plain statement of the FACTS that support your claim(s). For every defendant you have named in this complaint, you must state what he or she personally did to harm you. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Do not make legal arguments, or cite court cases or statutes. You may attach additional pages if necessary.

Your statement of claim must include all of the following information:

1. What happened to you? *See attached Page*
2. When did it happen? *See attached Page*
3. Where did it happen? *See attached Page*
4. What injuries did you suffer? *See attached Page*
5. What did each defendant personally do, or fail to do, to harm you? *See attached Page*

IV. Relief

State briefly and precisely what damages or other relief you want from the Court. Do not make legal arguments. *\$13,400,000.00*

*Vacate my prison sentence
expunge not just this charge but all charges on criminal record
A 140 NCS. Army enlistment with airborne Jump School in my contract
Fix the error*

Do you claim the wrongs alleged in your complaint are continuing to occur now?

Yes ☒ No ☐

Do you claim actual damages for the acts alleged in your complaint?

Yes ☒ No ☐

Do you claim punitive monetary damages?

Yes ☒ No ☐

If you indicated that you claim actual damages or punitive monetary damages, state the amounts claimed and the reasons you claim you are entitled to recover these damages *for reasons See attached statement of the claim*

\$13,400,000.00

which is \$100,000.00 per month I have to do before Parole eligibility minus credited Jailtime & to cover lost wages

Vacate my Prison Sentence

Expunge not just this charge but all criminal charges on my criminal record

A 190 NCS Army enlistment with airborne Jump School in my Contract

V. Fix the error
Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 23rd day of April, 2025



Signature of Plaintiff(s)

BARRY GAHAGAN

Sandie C. Redd

ATTACHED PAGE III Statement of the Claim

I received my first violations on Probation / violation for laws ~~with~~ with NO new charges & if I was never charged then I was never found guilty of a new charge or laws violation so the Probation violation should be dropped

The other Probation violation was for not paying well over \$20,000 for the \$42.00 per day I was charged for room and board in County Jail this was after Missouri Supreme Court ruled in 2018 that they can't incarcerate even for a day over unpaid room & board incarceration debts so I can't be incarcerated on that ~~0000~~

So yes my Probation shouldn't have been revoked in 2018 but it was

I filed my RULE 91 State habeas corpus it was denied 10/28/25

So I filed a Federal habeas corpus and it was denied for not filing a State RULE 91 habeas corpus 9/25/23 instead of granting relief

So I appealed and proved this is an error YES I did file a RULE 91 State habeas corpus Plus I submitted the order/Judgement of the RULE 91 State habeas corpus to prove it as I submit the order/Judgement of my RULE 91 State habeas corpus with this legal remedy Federal appellate court was negligent to fix the error even after I submitted the order/Judgement of the RULE 91 State habeas corpus and never granted the relief I should of got instead this was on 12/26/23 and denied my ~~petition~~ petition for rehearing 2/8/24 and the U.S. Supreme Court wouldn't even hear it at all for Certiorari on 10/7/24 and denied petition for rehearing on 10/16/24

No Federal Judge will fix this error cause they will have to ~~vacate~~ vacate my sentence and hold ~~other~~ other Judges accountable for Judicial misconduct of dishonesty, felony perjury, and conspiracy to interfere with civil rights 42 USC. §1985 Title 42

Sitting in prison for over a decade due to U.S. Government violating my U.S. Constitutional amendment 14 for due process causes me ~~mental~~ financial, emotional, pursuit of happiness injuries

If ~~this~~ this slips by 13 Federal Judges this ~~isn't~~ isn't an accident by negligence it's conspiracy to interfere with civil rights

Exceptions to United States Sovereign Immunity is Federal tort claims act FTCA. 28 USC. §1346

28 USC. §1346(b)(1) Subject to the provisions of chapter 171 of this title (28 USC. §§2671 et seq.) the District Courts together with the United States District Court for the District of the Canal Zone and the District Court of the ~~the~~ Virgin Islands shall have exclusive jurisdiction of civil actions on claims against the United States, for money damages, accruing on or after January 1, 1945, for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his employment or office, under circumstances where the United States, if a private person would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

This exception to the waiver of sovereign immunity has its own exception wherein the United States can be sued for "acts or omissions of investigative or law enforcement officers for claims arising out of assault, battery, false imprisonment, false arrest, abuse of process, or malicious prosecution. Accordingly to a state claim under the FTCA. for false imprisonment, you must allege that your false imprisonment resulted from the "acts or omissions" of investigative or law enforcement officers

28 USC §2680 exceptions. The provisions of this chapter 28 USC. §§2671 et seq. and section 1346(b) of this title 28 USC §1346(b) shall not apply to

(b) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit or interference with contract rights; provided with that regard to acts or omissions of investigative or law enforcement officers of the United States Government the provisions of this chapter 28 USC. §§2671 et seq. and section 1346(b) of this title 28 USC. §1346(b) shall apply to any claim on or after the date of the enactment of this provision (enacted March 16, 1974) out of assault, battery, false imprisonment, or the date of the enactment of this provision (enacted March 16, 1974) out of this subsection investigative or law enforcement officers of the United States Government.

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION

BARRY GAHAGAN,)	
)	
Petitioner,)	
)	
vs.)	Case No. 23-05044-CV-SW-MDH-P
)	
BILL STANGE,)	
)	
Respondent.)	

ORDER

Petitioner, a convicted state prisoner currently confined at the Southeast Correctional Center in Charleston, Missouri, has filed a pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges his conviction and sentence for first-degree assault, which was entered in the Circuit Court of Lawrence County, Missouri. Doc. 1 at 1. Respondent contends Petitioner's petition should be dismissed as procedurally defaulted and without merit. Doc. 5. Petitioner has filed a reply thereto. Doc. 12. For the reasons set forth below, the petition for writ of habeas corpus is **DENIED**; a certificate of appealability is **DENIED**; and this case is **DISMISSED**.

I. Background

Petitioner entered an *Alford* plea and was found guilty on January 26, 2017, to the charge of first-degree assault. Doc. 5-5 at 131-149. Petitioner was sentenced to 15 years' imprisonment, with a suspended execution of sentence in the Circuit Court of Lawrence County, Missouri. *Id.* at 131, 142, 146-150. Petitioner was placed on supervised probation. *Id.* at 157. On July 26, 2018, Petitioner's probation was revoked, and his sentence was ordered executed. *Id.* Petitioner did not file a direct appeal.

Pursuant to Mo. Sup. Ct. R. 24.035, Petitioner filed an amended motion to vacate, set aside or correct judgment and sentence, alleging (1) counsel failed to investigate Petitioner's mental health and advise Petitioner based on such investigation; (2) counsel failed to adequately advise Petitioner what an *Alford* plea entails; (3) the Court did not specifically inquire Petitioner or his counsel as to Petitioner's mental health; and (4) the Court misadvised Petitioner of the law concerning the Court's options if Petitioner entered an *Alford* plea. Doc. 5-5 at 132-136; *see also*

collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.”). Petitioner’s Ground Three is **DENIED**.

III. A Certificate of Appealability is Denied

Under 28 U.S.C. § 2253(c), the Court may issue a certificate of appealability only “where a petitioner has made a substantial showing of the denial of a constitutional right.” To satisfy this standard, a petitioner must show that a “reasonable jurist” would find the district court ruling on the constitutional claim(s) “debatable or wrong.” *Tennard v. Dretke*, 542 U.S. 274, 276 (2004). Because Petitioner has not met this standard, a certificate of appealability will be denied.

IV. Conclusion

For the foregoing reasons, it is **ORDERED** that:

- (1) Petitioner’s Ground Two is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust available state law remedies;
- (2) Petitioner’s remaining Grounds for relief and his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 are **DENIED**;
- (3) a certificate appealability is **DENIED**; and
- (4) this case is **DISMISSED**.

/s/ M. Douglas Harpool
M. DOUGLAS HARPOOL, JUDGE
UNITED STATES DISTRICT COURT

Dated: September 25, 2023.

Missouri Court of Appeals
Southern District

No. SD36379

IN RE: BARRY STEVEN GAHAGAN,

Petitioner,

vs.

JEFF NORMAN, SOUTH CENTRAL
CORRECTIONAL CENTER,

Respondent.

FILED

OCT 28 2019

CRAIG A. STREET
MISSOURI COURT OF APPEALS
SOUTHERN DISTRICT

ORDER

On this 28th day of October, 2019, the Court takes up for consideration petitioner's "Petition for Writ of Habeas Corpus by a Person in State Custody," filed October 25, 2019. Having seen and examined said application and having been advised in the premises, the Court does deny the petition.

cc: Barry Steven Gahagan – mailed
Attorneys of Record

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 23-3400

Barry Gahagan

Petitioner - Appellant

v.

Bill Stange, Warden, SECC

Respondent - Appellee

Appeal from U.S. District Court for the Western District of Missouri - Joplin
(3:23-cv-05044-MDH)

JUDGMENT

Before ERICKSON, GRASZ, and KOBES, Circuit Judges.

This appeal comes before the court on appellant's application for a certificate of appealability. The court has carefully reviewed the original file of the district court, and the application for a certificate of appealability is denied. The appeal is dismissed.

The motions to proceed in forma pauperis are denied as moot.

December 26, 2023

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 23-3400

Barry Gahagan

Appellant

v.

Bill Stange, Warden, SECC

Appellee

Appeal from U.S. District Court for the Western District of Missouri - Joplin
(3:23-cv-05044-MDH)

ORDER

The petition for rehearing by the panel is denied. The motion for appointment of counsel is also denied.

February 08, 2024

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

October 7, 2024

Mr. Barry Steven Gahagan
Prisoner ID 1241926
Southeast Missouri Correctional Center
300 E. Pedro Simmons Drive
Charleston, MO 63834

Re: Barry Steven Gahagan
v. Bill Stange, Warden
No. 23-7763

Dear Mr. Gahagan:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris", written in a cursive style.

Scott S. Harris, Clerk

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

December 16, 2024

Mr. Barry Steven Gahagan
Prisoner ID 1241926
Southeast Missouri Correctional Center
300 E. Pedro Simmons Drive
Charleston, MO 63834


Re: Barry Steven Gahagan
v. Bill Stange, Warden
No. 23-7763

Dear Mr. Gahagan:

The Court today entered the following order in the above-entitled case:

The petition for rehearing is denied.

Sincerely,

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Scott S. Harris, Clerk